

VOTER REGISTRATION COMMISSION[821]

Adopted and Filed

Rule making related to voter registration

The Voter Registration Commission hereby amends Chapter 1, “Organization, Purpose, Procedures and Definitions,” Chapter 2, “Voter Registration Forms, Acceptability, Registration Dates, and Effective Dates,” and Chapter 11, “Registration Procedure at the Office of Driver Services, Department of Transportation,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 17A.4, 47.8 and 48A.18.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 17A.7, 48A.5 and 48A.26.

Purpose and Summary

The amendment to rule 821—1.3(47) and adoption of new rule 821—1.8(17A) bring the Voter Registration Commission’s rules into conformity with Iowa Code section 17A.7.

The amendments to rules 821—2.12(48A) and 821—11.2(48A) are necessary due to technical changes made to Iowa’s voter registration laws by 2017 Iowa Acts, House File 516, effective January 1, 2019.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on April 10, 2019, as **ARC 4383C**. No public comments were received.

Since publication of the Notice, a change was made to rule 821—2.12(48A) to clarify a preregistered voter’s registration date if the voter’s eighteenth birthday falls in the time period between the preregistration deadline and an election.

Additionally, Item 5 was added to include an amendment to rule 821—11.2(48A) to reflect the lowering of the minimum age to register to vote from 17½ years to 17 years.

Adoption of Rule Making

This rule making was adopted by the Commission on May 15, 2019.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on July 10, 2019.

The following rule-making actions are adopted:

ITEM 1. Amend rule 821—1.3(47) as follows:

821—1.3(47) General operating rules.

1.3(1) The chair of the commission is the state commissioner of elections or the state commissioner's designee.

1.3(2) Any member of the commission, including the chair, may make and second any motion.

1.3(3) To prevail, a motion, declaratory ruling, or ruling in a contested case must receive the votes of a majority of commissioners present and voting.

~~**1.3(4)** Rescinded IAB 10/25/95, effective 10/6/95.~~

~~**1.3(5)**~~ **1.3(4)** A designee of a statutory member shall present a letter from the statutory member appointing the designee.

~~**1.3(6)**~~ **1.3(5)** A quorum of the commission is four members. No official action may be taken in the absence of a quorum.

~~**1.3(7)** Any member of the public may petition the commission concerning any subject under the commission's authority. Any member of the public may propose new rules or modifications to existing rules of the commission. Petitions or proposed rule changes may be in letter form, filed with the registrar and addressed to the commission. Any such letter must include a discussion of the problem or issue, addressing and supporting rationale for any proposed action by the commission. In addition, any such petition must state the legal authority which petitioner believes confers jurisdiction over the subject matter to the commission. Action on petitions received shall be taken not later than the second regular commission meeting following receipt of the petition. In the event a hearing is held on an issue, the hearing shall be scheduled within 90 days of receipt of the petition.~~

ITEM 2. Adopt the following new rule 821—1.8(17A):

821—1.8(17A) Petition for rule making. Any person or agency may file a petition for rule making with the voter registration commission at the Secretary of State's Office, First Floor, State Capitol Building, Des Moines, Iowa 50319, or the Secretary of State's Office, Lucas State Office Building, Des Moines, Iowa 50319. A petition is deemed filed when it is received in either office. The state registrar must provide the petitioner with a file-stamped copy of the petition if the petitioner provides the agency an extra copy for this purpose. The petition must be typewritten or legibly handwritten in ink and must substantially conform to the following form:

VOTER REGISTRATION COMMISSION

Petition by (Name of Petitioner)
for the (adoption, amendment, or
repeal) of rules relating to (state
subject matter).



PETITION FOR
RULE MAKING

The petition must provide the following information:

1. A statement of the specific rule-making action sought by the petitioner including the text or a summary of the contents of the proposed rule or amendment to a rule and, if it is a petition to amend or repeal a rule, a citation to the particular portion or portions of the rule proposed to be amended or repealed, together with a quotation of the relevant language.

2. A citation to any law deemed relevant to the commission's authority to take the action urged or to the desirability of that action.

3. A brief summary of petitioner's arguments in support of the action urged in the petition.

4. A brief summary of any data supporting the action urged in the petition.

5. The names and addresses of other persons, or a description of any class of persons, known by petitioner to be affected by, or interested in, the proposed action which is the subject of the petition.

6. Any request by petitioner for a meeting provided for by subrule 1.8(5).

1.8(1) The petition must be dated and signed by the petitioner or the petitioner's representative. It must also include the name, mailing address, and telephone number of the petitioner and petitioner's representative (if one is involved), and a statement indicating the person to whom communications concerning the petition should be directed.

1.8(2) The commission may deny a petition because it does not substantially conform to the required form.

1.8(3) The petitioner may attach a brief to the petition in support of the action urged in the petition. The commission may request a brief from the petitioner or from any other person concerning the substance of the petition.

1.8(4) Inquiries concerning the status of a petition for rule making may be made to the Deputy Secretary of State, Lucas State Office Building, Des Moines, Iowa 50319.

1.8(5) Upon receipt of a petition for rule making, the following steps shall be taken:

a. Within 30 days after the filing of a petition, the state registrar must submit a copy of the petition and any accompanying brief to the administrative rules coordinator and to the administrative rules review committee. Upon request by petitioner in the petition, the agency must schedule a brief and informal meeting between the petitioner and a designee of the state registrar to discuss the petition. The commission may request the petitioner to submit additional information or argument concerning the petition. The commission may also solicit comments from any person on the substance of the petition. Also, comments on the substance of the petition may be submitted to the commission by any person.

b. Within 90 days after the filing of the petition, or within any longer period agreed to by the petitioner, the commission must, in writing, deny the petition, and notify petitioner of its action and the specific grounds for the denial, or grant the petition and notify petitioner that it has instituted rule-making proceedings on the subject of the petition. Petitioner shall be deemed notified of the denial or grant of the petition on the date when a designee of the commission mails or delivers the required notification to petitioner.

c. Denial of a petition because it does not substantially conform to the required form does not preclude the filing of a new petition on the same subject that seeks to eliminate the grounds for the agency's rejection of the petition.

ITEM 3. Amend **821—Chapter 1**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 17A.7, 47.7 and 47.8.

ITEM 4. Amend rule 821—2.12(48A) as follows:

821—2.12(48A) County registration date. For the purposes of determining timeliness of an application to register to vote, the county registration date shall be determined as follows:

2.12(1) The county registration date for an in-person applicant at least 18 years of age is the date the registration application is received by the commissioner or the commissioner's designee. However, when preregistration is closed in the applicant's precinct due to a pending election, the county registration date shall be the date of the day after the pending election unless the applicant registers pursuant to Iowa Code section 48A.7A.

2.12(2) The county registration date for a by-mail applicant at least 18 years of age is the date the registration application is received by the commissioner, unless the application is postmarked on or before the worry-free postmark date established pursuant to Iowa Code section 48A.9, subsection 3. However, when preregistration is closed in the applicant's precinct due to a pending election, the county registration date shall be the date of the day after the pending election unless the applicant registers pursuant to Iowa Code section 48A.7A.

2.12(3) The county registration date for an application received from a source other than in person or by mail is the date the application is received by the commissioner or submitted to the office of driver services, department of transportation, or to a voter registration agency pursuant to Iowa Code section 48A.19, whichever is earlier.

2.12(4) The county registration date for applicants aged ~~17-½~~ 17 to 18 shall be the date of the applicant's eighteenth birthday, except the county commissioner shall indicate that the person is registered and qualifies to vote at the pending primary election if the applicant will be at least 18 years of age on the date of the respective general election or city election. However, if an application is submitted when preregistration is closed in the applicant's precinct on and the applicant's eighteenth birthday is on or before election day, the county registration date shall be the date of the day after the pending election unless the applicant registers pursuant to Iowa Code section 48A.7A.

ITEM 5. Amend rule 821—11.2(48A) as follows:

821—11.2(48A) Driver services client to be afforded opportunity to apply to register to vote or make changes to existing registration. Every client, aged 17 years ~~6 months~~ or older, of the office of driver services, DOT, shall be advised by the driver license clerk of the availability of voter registration services in substantially the following manner: "Would you like to apply to register to vote, or update your registration? It can be done quickly and easily at the same time as you get your (license — ID — other, as appropriate)."

1. If the client's reply to the driver license clerk's rule 821—11.2(48A) question is negative, the driver license clerk shall not pursue the matter of voter registration.

2. If the client's reply to the driver license clerk's rule 821—11.2(48A) question is affirmative, or the client expresses uncertainty of the client's current registration status, the driver license clerk shall invoke the computer operation required in rule 821—11.1(48A).

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/5/19.